IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4752 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAISINGH ASHABEN JULALBHAI

Versus

STATE GOVT. OF GUJARAT

Appearance:

MR MD RANA for Petitioner

Mr.S.P. Hasurkar, Additional Govt. Pleader instructed by Messrs Patel Advocates for the respondent State.

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 05/05/2000

ORAL JUDGEMENT :

Leave to amend the cause title. Respondent no.2 may be substituted by Inspector General of Police, Junagadh Range (Rural).

2. Rule. Mr.S.P. Hasurkar, learned Additional Govt. Pleader appears for Messrs Patel Advocates and waives service of the rule.

3. Notice was issued on 30.3.2000, returnable on 26.4.2000. By the said order, the respondent authorities were directed to consider the case of the petitioner in light of the provisions made in clause (3) of the Circular dated 16.12.1991, which is produced at Annexure 'C' to the petition. Mr.M.D. Rana, learned advocate for the petitioner makes a statement that direct service was effected and the respondents are served. Besides, an advance copy is also given to Mr.Hasurkar, learned Additional Govt. Pleader, who normally appears for the respondents in this type of matters.

4. Mr. Hasurkar, learned Additional Govt. Pleader points out that the object of the scheme is to see that the family of the deceased employee is given a source of livelihood and therefore, the Government has framed the scheme. When the attention of the learned advocate for the respondents is invited to the letters dated 16.8.1993 and 7.3.1998, he is not able to point out anything which can show that the department was aware of the contents of clause (3) of the said circular.

5. In the facts and circumstances, the petitioner is directed to make a detailed representation to the authorities pointing out the aforesaid circular and the contents of clause (3) thereof. Mr.M.D. Rana, the learned advocate for the petitioner requested that the respondents be directed to treat this petition as a representation and decide the same. The request of the learned counsel is granted. The petitioner shall furnish a copy of this petition to respondents nos.1 and 2, who shall consider the same as a representation of the petitioner, sympathetically and in light of the observations made hereinabove. The provisions of clause (3) of the Circular dated 16.12.1991 be also borne in mind while deciding the representation of the petitioner. Respondent no.2 shall decide the representation within eight weeks from the date of receipt of the same. Respondent no.2 shall also communicate his decision to the petitioner by Registered Post A.D.

6. With the aforesaid directions the petition is disposed of. Rule is made absolute. No order as to costs.

5th May 2000 (Ravi R. Tripathi, J.)

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